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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,666	08/16/2001	John Clifton Mason	TFD-001	7794

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EXAMINER

KOSLOW, CAROL M

ART UNIT

PAPER NUMBER

1755

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/848,666

Applicant(s)

MASON ET AL.

Examiner

C. Melissa Koslow

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-4, 6, 10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 8.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other:

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This action is in response to the amendment of 23 September 2003. The 35 USC 112 rejections and the art rejections are withdrawn due to the amendments to the claims. The objections to the specification with respect to the boric acid, the emulsifier and the drying oil are also withdrawn due to the amendment to the claims. Applicant's comments with respect to the remaining objections have been fully considered but they are not persuasive.

Applicants is reminded that a decision on the petition to change the filing date is still pending. This application cannot be allowed and patented until a decision has been made. A response to the letter mailed 7 July 2003 is required in order for a decision to be made.

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 2 been renumbered as claim 20. Misnumbered claims 3-20 been renumbered as claims 2-19.

The amendments to the specification are not in the proper format and thus have not been entered. It is noted all the deletions are unnecessary and should not be done since they would exclude applicant from prosecuting the variants discussed in the deleted sections.

Claim 20 will be renumbered as claim 2 once the application is in condition for allowance by the Examiner.

The disclosure is objected to because of the following informalities: On page 8, "other" is misspelled. Appropriate correction is required.

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Applicant did not correct this informality.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not teach the following claimed solvents and additives: paraffinic, olefinic or aromatic hydrocarbon solvents and/or solvent blend, d-limonene, chlorinated solvent, thickeners, taste-induced deterrents and processing aids. The above subject matter must be inserted into the specification by amendment.

The claimed subject matter must also be found in the specification. Amending the claims did not overcome this objection.

Claims 2-4, 6, 10 and 12-17 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from other multiple dependent claims and must refer to other claims in the alternative only. See MPEP § 608.01(n).

Due the misnumbering, claims 2-4, 6 and 10 appear to be dependent on claims 1-20. It is suggested to rewrite the preamble, which is the beginning of the claim, as "The compositions of claim 1 or 20". The wording of claim 4 is improper since it refers to more than one claim. It is suggested to rewrite this claim as "The compositions of claim 1 or 20, where in the wax is a blend of at least natural origin wax and at least one wax selected from paraffin wax or a synthetic wax which is at least partially soluble in hot oil." Claim 10 is written using a Markush format. The correct wording from this format is "selected from the group consisting of". Thus "essentially" should be deleted from this claim. Claims 12-19 are dependent and refer to cancelled claims. The salts of claim 12 are excluded from the composition of claim 1 since they materially affect the composition. The phrase "consisting essentially of" excludes all components that materially

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affect the composition. Claim 13 needs to be reworded since it implies the composition of claim 1 does not include abrasives, but part C does allow for their presence. It is suggested to rewrite this claim as "The composition of claim 1 or 2, wherein the abrasive is present in an amount of about 0.1 to about 90% of the composition". The claim covers all the known abrasives and thus specific ones need not be set forth. The preambles of claims 14-17 need to be corrected since they are in an improper format. They should be rewritten as "The compositions of claims 1 or 20, wherein the composition is useful...". If applicant wishes the claims 13-17 to depend from claims 2-4, 6, 10, 12 and 13, he will need to add 6 or 7 new claims for each of claims 13-17 where each new claim is dependent on each one of claims 2-4, 6, 10, 12 and 13. Claim 20 needs to be reworded since it implies the vinegar or diluted acetic acid are present in addition to the vinegar in claim 1. It is suggested to rewrite the end of part B in claim 1 as "and vinegar or water diluted acetic acid, where the amount of acetic acid in diluted acetic acid is the same amount of acetic acid as in vinegar" and to amend claim 20 to read "The composition of claim 1 where the amount of vinegar or diluted acetic acid is about 0.1 to about 70 % of the composition". In claims 18 and 19, if applicant wishes the claims 18 and 19 to depend from claims 2-4, 6, 10, 12 and 13, he will need to add 7 new claims for each of claims 18 or 19 where each new claim is dependent on each one of claims 2-4, 6, 10, 12 and 13. Finally, claim 19 should not refer to claim 18 for the reasons given in the previous action. The phrase "utilizing the method of claim 18" is unnecessary since the claimed step of a repeated application means the process of lines 5-10 is repeated. The process of claimed 5-10 is that of claim 18.

Claim 1 is allowable over the cited art of record.

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The claimed composition comprising about 1 to about 70 wt% wax, about 20 to about 90 wt% of a non-drying natural origin oil and vinegar or water diluted acetic acid, where the amount of acetic acid in diluted acetic acid is the same amount of acetic acid as in vinegar is not taught or suggested by the cited art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa Koslow whose telephone number is (703) 308-3817. The examiner can normally be reached on Monday-Friday from 8:00 AM to 3:30 PM.

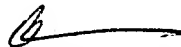
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell, can be reached at (703) 308-3823.

The fax number for all official communications is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661 or (703) 308-0662.

After the move to the new USPTO headquarters in Alexandria Virginia, tentatively scheduled for the week of December 22, 2003, Ms. Koslow's telephone number will be (571) 272-1371 and Mr. Bell's telephone number will be (571) 272- 1362.

cmk  
November 17, 2003

  
C. Melissa Koslow  
Primary Examiner  
Tech. Center 1700